## Approved For Release 2004/08/28 ACIA-RDP81/100980R003309100014-0

OLC 78-3338 20 November 1978

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MEMORANDUM FOR: Acting Legislative Counsel

FROM

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Assistant Legislative Counsel

SUBJECT

: "Office of Classified National

Security Information"

1. Action Requested: Paragraph five contains a recommendation for your consideration.

- 2. <u>Background</u>: Public Law 95-391, Section 105 (attached) establishes, within the Office of the Secretary of the Senate, a new office to be known as the "Office of Classified National Security Information" (OCNSI).
- 3. The OCNSI, amongst other responsibilities, has "the responsibility for safeguarding such restricted data and such other classified information as any Committee of the Senate may from time to time assign to it." (Sec. 105(a)).

In order to fulfill this safeguarding responsibility Sec. 105(b)(3) grants the OCNSI the authority "to establish and operate a central repository in the United States Capitol for safeguarding of restricted data and other classified information for which such Office is responsible."

- 4. Analysis: This, in effect, provides for a place in which  $\overline{\text{Congress}}$  ional Committees, having control over classified information, may store, in a secure manner, the same.
- 5. It is the opinion of the undersigned, as the OCNSI serves as a mere bailee of the tendered information, having no right or power of further dissemination, destruction or anything other than possessory control, that the same security restrictions applicable to CIA information provided to Congressional Committees such as the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence would pertain to the OCNSI.

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## Approved For Release 2004/03/26: CIA-RDP81M00980R003300100014-0

- 6. Recommendation: As the power of transfer of information to OCNSI lies solely with the tendering Committee (s) of Congress it is recommended that we meet and discuss this matter in consideration of appropriate action relative to the following points:
  - a. Do the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence intend to make use of said OCNSI facilities?
  - b. Do we, the Office of Legislative Counsel, wish to take the position that (1) we have no objections to our Committees transferring material or (2) in the alternative do we prefer (insist) that material supplied by CIA remain with the receiving Committee or if no longer required be returned to CIA?
  - c. If b. (1) were to be the preferred course we should consider ways in which we might receive a commitment that (1) we will be notified in advance of material to be transferred to OCNSI and the reason why it would not be best to simply return the documents to CIA and (2) that we will be granted authority to inspect OCNSI facilities in order to assist and ensure that the facilities meet the security requirements inherent in retention of CIA material by the Congress.

your	I remain convenier	available	to	discuss	this	matter	with	you	at

Attachment

Distribution

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OLC:MDC:sf (20 November 1978)

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William Charles

2 USC 61-1 note.

Clerk-hire allowance of Georgia Senators.

Provided, That an employee serving as an Assistant in Document Room at not to exceed \$14,678 per annum on the last day of the month in which this Act is enacted and who continues to serve as an Assistant, Document Room, after such last day may be paid compensation at not to exceed \$14,678 per annum so long as such employee continuously serves in such position.

SEC. 104. (a) Effective April 1, 1978, the clerk-hire allowance of each Senator from the State of Georgia is increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million

(b) Effective April 1, 1978, the table contained in section 105(d) (1) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(d)(1)), is amended by striking out

"\$644,937 if such population is 7,000,000 but less than 9,000,000;"

and inserting in lieu thereof

"\$644,937 if such population is 7,000,000 but less than 8,000,000; "\$664,627 if such population is 8,000,000 but less than 9,000,000;"

Sec. 105 (a) For the period beginning on October 1, 1978, and ending on December 31, 1980, there is established within the Office of the Secretary of the Senate an office to be known as the "Office of Classified National Security Information" (hereafter in this section referred to as the "Office"). The Office shall be under the policy direction of the Majority Leader, the Minority Leader, and the chairman of the committee on Rules and Administration of the Senate, and shall be under the administrative direction and supervision of the Secretary of the Senate. The Office shall have the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

(b) The Office shall have authority-

(1) upon application of any committee of the Senate, to perform the administrative functions necessary to classify and declassify information relating to the national security considerations of nuclear technology in accordance with guidelines developed for restricted data by the responsible executive agencies;

(2) to provide appropriate facilities for hearings of committees of the Senate at which restricted data or other classified

information is to be presented or discussed; and

(3) to establish and operate a central repository in the United States Capitol for the safeguarding of restricted data and other classified information for which such Office is responsible.

(c) All records, documents, and data in the custody of the Office of Classified National Security Information established by section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, are transferred to the Office established by subsection (a).

(d) As an exercise of the rulemaking power of the Senate, section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, is

repealed effective October 1, 1978.

Sec. 106. Section 117 of the Second Supplemental Appropriations Act, 1976 (2 U.S.C. 61f-la), is amended by striking out "\$10,000" and inserting in lieu thereof "\$25,000".

SEC. 107. During the fiscal year ending September 30, 1979, amounts required to be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8344 of title 5, United States Code, with respect to any officer or employee of the Senate (including an employee in the office of a

Office of Classified ational Securi Ini mation. Estat ishmen USC'

> Transfer of records.

Repeal.

Travel expenses of Sergeant of Arms and Doorkeeper of the Senate.

Senator) shall be paid f Effective October 1, 1979, respect to any individual (including an employee ir 1979, shall be paid from th the individual serves cont Senate.

SEC. 108. (a) Section 50 1973 (2 U.S.C. 58), is as through (j) as subsection inserting after subsection

"(h)(1) For purposes who is selected by a Senate recommendations for non or to one or more servic employee in the office of th expenses incurred in perf or other body, and shall b expenses and per diem expenses) incurred while the Senator's home State District of Columbia, an official expenses incurred of this subsection and subs of the type for which rein (a) (9) when such expense and, for accounting pur expenses for which reim (a) (5). "(2) The amount of offic

by a Senator for which re section shall not exceed \$5 of expenses incurred by may be made under this calendar year.".
(b) The amendment m

January 1, 1978.

SEC. 109. (a) Effective 1978, and each fiscal year of the secretary" and "o under the heading "SALARI able for the payment of a referred to as "merit com ing and exceptional by the Arms and Doorkeeper, res

(b) Subject to the prov year, the Secretary of the for not to exceed 8 emplo and Doorkeeper may aut! 18 employees of his Office effect until it is terminate or the Sergeant at Arms

(c) No employee shall unless such employee has years and is being comper position so occupied, exc of the Senate or the Ser